

IV. Remarks.

The Examiner entered the following rejections.

1. Claims 1-7 are rejected under 35 USC 102(b) as being anticipated by Brion (US 551,486).

Under 35 U.S.C. §102, a patent or printed publication will not anticipate a claim unless it discloses the claimed invention. Although anticipation does not require that a single prior art reference teach what the subject application teaches, it does require that the prior art reference disclose a device having all of the elements of the claimed invention. Proof of anticipation requires a showing, by clear and convincing evidence, that "all of the elements of the claim are found within a single prior art reference" so that there is "no difference between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the field of the invention." Scripps Clinic & Research Foundation v. Genentech, Inc., 927 F.2d 1565, 1576 (Fed.Cir.1991).

In this case the cited reference is significantly different in form and function from the claimed invention. As to amended claim 1, Brion does not teach all of the elements, arranged as claimed. First, it does not teach an arcuate belt bearing surface. Brion only teaches a straight, hook-shape arm or guard detachably connected together, lines 20-23, Fig. 1. Neither hook portion A nor portion B comprises an arcuate shape, see Fig. 3. Brion does not reasonably suggest an arcuate form to the belt bearing surface because the principle of operation of Brion is to simply pry a belt laterally onto a pulley, lines 73-76. Although the Brion specification does refer to "...B², the upper face of which is perfectly curved," (lines 59-60) it is unclear from the specification or figures as to the characteristics of the orientation or function of the "upper face".

Next, Brion does not teach a first lever for pivoting the belt bearing surface about the first clamp member. The Examiner argues that a first lever (B²) is for pivoting the belt bearing surface (A,B) about the first clamp member (B¹). This is contrary to the teachings in the reference. Portion B² laterally urges a belt on to a pulley. Portions (A,B) cooperatively engage a pulley and are drawn together by rotation of nut D' on bolt C, lines 68-70 and Fig. 2, to clamp the device to the pulley. The only pivoting or rotating portion of the device is bolt C.

Further, Brion does not teach a moveable member cooperatively disposed with the belt bearing surface for laterally urging a belt from the belt bearing surface to the pulley. In the configuration argued by the Examiner, namely, "a member (upper inside surface of A and B) cooperatively disposed with the belt bearing surface for laterally urging a belt from the belt bearing surface", the member is not movable with respect to the belt bearing surface because the member and the belt bearing surface are the same part. If it is argued that the moveable member is only portion (A), then the function of portion (A) is not capable of laterally urging a belt from portion (B) to the pulley because this action would result in portion (A) urging a belt "up" portion (B²), i.e. radially outward, and away from the pulley. Movement of a belt by portion (A) away

from (B) is not possible since the upper surface of (A) (see that portion immediately above the letter "A" in Fig. 2) would force the belt toward portion (B) by virtue of the direction of the slope toward portion (B).

Finally, the Examiner argues that the hook part of (A) comprises a second lever. Given this argument, the following limitation is not met, namely, a second lever pivotally engaged with the first lever for urging the movable member. The hook part of (A) is not pivotally engaged with the first lever (B²) in a manner whereby the hook part of (A) urges a moveable member. No part of (A) urges portion (B).

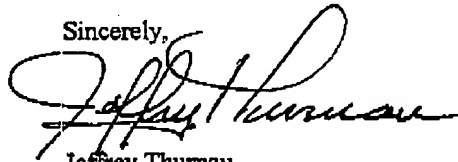
Claims 2-7 depend from amended claim 1.

V. Fees.

Any fees payable for this amendment and request for extension of time may be deducted from deposit account 07-0475 in the name of The Gates Corporation.

Thank you for your attention to this case. If any questions arise, please call at the number below.

Sincerely,



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